

VENDORS' QUESTIONS
SOLICITATION NO. MDH/OPASS 20-17751
Financial Management & Counseling Services

1. Comment: As was stated during the meeting, many attendees to the pre-bid conference were not aware of the release of the June 12, 2019 RFP until Friday, June 21, 2019. The bid was not placed under the heading expected in MD Marketplace; "Administrative, Financial and Management Services" but instead was found simply by lucky chance by advocates under "Miscellaneous Commodities and Services." The meeting attendees were told that this is the same heading under which the former RFP was placed. Whether that is accurate or not is immaterial when one considers that advocates had asked to be notified of the release date, as the RFP was anticipated and did not receive any notification. The fact that many people were looking out for the RFP and no-one was able to find it until 9 days after its release is alarming and has sparked concerns about transparency.

This section does not have a question relative to the open solicitation for FMCS.

2. Requested Amendment: The Arc Maryland requests that the deadline for accepting questions be extended beyond July 17th. Maryland marketplace will be inaccessible beginning at 5 PM July 17th and will not be back up until July 22 as eMMA. It would be very helpful for those who received late notice of the RFP to have additional time for questions and answers prior to the new deadline for proposals (August 14 per Amendment #1). It is concerning that no questions and answers have been posted or responded to on the RFP/bidding site **to date**, although we are aware that some of our partners have posed questions. We request comments be allowed through July 31st, and that the deadline for proposals again be reconsidered and preferably extended to allow for the substantial amount of work a bidder will have to complete to produce a quality response to the RFP AFTER answers are available.

The RFP deadline has been amended with an extension to Wednesday, August 28, 2019 at 2:00 PM. Please review the notice by accessing this link:

https://emma.maryland.gov/page.aspx/en/bpm/process_manage_extranet/16369

3. Requested Amendment: Scoring: Referencing "Section 2.3.2 Financial Management and Counseling Services Contractor Preferred Requirements of a.). At least three (3) years' experience within the last ten (10) years providing Financial Management Services (FMS) for large scale projects for at least two (2) public entities and have operated under various State and Federal laws and regulations. Offerors with this experience will be evaluated more highly than those without this experience. "

The RFP has been amended to revise the offeror's qualifications and capabilities. Please see Amendment #1 to view the updated specifications

at: https://emma.maryland.gov/page.aspx/en/bpm/process_manage_extranet/16369

Requested revision: Remove the highlighted portion of this section which would provide preferential scoring to an entity who has provided FMS services for at least two (2) public entities. Neither of the incumbents, who are both Maryland nonprofit businesses with Maryland employees and physical in-state presence, have provided FMS for more than Developmental Disabilities Administration (for Self-

Directed Services). Opportunities, to provide FMS for more than Self-Directing individuals, has not been available, nor was it previously indicated in any way by the DDA that experience with at least two public entities would be desirable experiences for the incumbents to attempt to obtain during their contract term. Both incumbents have long held the current FMS contracts with the state of Maryland and are operating in good standing so they should not be disadvantaged through this requirement.

We disagree that having experience with more than 1 public entity would place a bidder in a position of being more competent to deliver FMS services.

The RFP has been amended to revise the offeror's qualifications and capabilities. Please see the Amendment #1 to view the updated specifications at: https://emma.maryland.gov/page.aspx/en/bpm/process_manage_extranet/16369

It is also important to note that the requirements of the RFP, overall, are quite restrictive, limiting at least one incumbent's ability to make a successful bid. The Maryland Procurement Manual suggests that RFP qualifications be written in such a way that they do not overly restrict competition. The way in which the current RFP is written, including specific technical and infrastructure requirements and preferential scoring mechanisms, seems to give preference to large corporate vendors with substantial resources to meet the requirements.

4. Requested Amendment: It is not clear why counseling is a part of the RFP or even necessary in the scope of the FMS contract since Support Brokers can manage the duties currently assigned in the RFP for counseling services. Support Brokers also know the person much better presumably than an FMS provider, who will have several hundred people's financials to oversee. If counseling services are added to the support structure for those self-directing in MD, it may present a conflict for the same FMS providers to also provide counseling services. Much of the role of the counselor is to train on advocacy and holding the FMS provider accountable. For this reason, we believe that counseling services (or the responsibilities associated with that role) may be better provided by a separate provider. Currently, Support Brokers intercede when there is an issue between the person who self-directs and the FMS. It is a concern that removing that mediator, through the structure proposed in the RFP for the FMS to also provide the counseling services, would be detrimental to the person self-directing. We would prefer to see the Support Broker scope enhanced instead of seeing the creation (and unnecessary funding) of the counselor position through the FMS.

The offeror will develop and implement separate Financial Management Services and Counseling Services Divisions to carry out the tasks in the RFP, as stated in subsection 2.3.1. The offeror should review section 2.3 Scope of Work-Requirements.

An additional related issue that was raised at the pre-bid conference was that of "double dipping" or duplicative services (Counseling Services and Support Broker Services). It is written in the RFP, and it was reiterated during the meeting by Ms. Sastoque, that people who self-direct will continue to have a choice of selecting either a Support Broker or a Counselor. People who self-direct do NOT have to elect to receive the counseling service offered by the FMS, and can decline the service to receive Support Broker services instead. Why then does the spreadsheet that has been provided for the financials automatically include the **same number for FMS services and for Counseling Services**, with a 10%

increase in numbers built in, year over year. The cell on the spreadsheet is locked and cannot be modified to reduce the number of people, and expense associated with a decrease in numbers. It is highly unlikely that 100% of participants will choose to have counseling services, so why would the FMS be paid with state and federal funds for a service they may not deliver? If the cell is fixed to allow a bidder to estimate the number of people who may choose counseling services over support broker services, the bidders will need guidance to be able to estimate what number of people are expected to choose counseling services. To date, no guidance has been offered.

For all of these significant reasons, we recommend that counseling be removed from the scope of the current RFP.

This section does not have a question relative to the open solicitation for FMCS.

5. Comment (possible amendment for consideration): There is a concern about the lack of choice of FMS provider: We have heard that FMS is considered an “administrative function” and therefore it is not a requirement to offer choices of providers. The concern with eliminating choice is that FMS services are particularly important for the success of the individual and their plan of supports. Current FMS providers in Maryland are highly responsive to the people who access their services, they troubleshoot and correct errors, and offer timely reporting to a person so they are aware of where their budgets stand at any given point. If the FMS makes an error, there is a timely response to correct the error. Current FMS contractors try to maintain the best quality and one of their considerations for doing so is that people may leave them if they underperform. Without COMPETITION, quality is not driven to be as high as it can be. Assigning a single FMS provider eliminates the healthy competition and choice that people want and need. This will remain a GRAVE concern to The Arc Maryland and those whose interests we work to protect.

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6. Requested Amendment:
Responsiveness: If only ONE awardee is named to hold the next FMS contract, we would like to see something in writing that requires an appropriate response from the FMS to the person accessing FMS services. We consider an appropriate timeframe for response to be “within one business day”. It is preferable also to require the FMS to have an on- call number that individuals may access to reach FMS professional for serious financial emergencies (such as payroll not completed or something to that effect that would presume to be an FMS processing error).

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7. Requested Amendment: We would like to see the requirement of the formation of a customer/stakeholder advisory group to monitor the quality of the FMS, and to also serve as a repository of possible concerns or positive information about the FMS provider. Members of the advisory group should include people who access self-directed services, parents of people who self-direct, advocacy organization personnel, and state employees responsible for quality of supports to people with DD.

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8. Requested Amendment: There was a suggestion by another attendee of the pre-bidding conference to change the implementation of the FMS contract awardee to the beginning of a quarter (as opposed to starting the service with the contractor in the middle of a quarter) so that FICA and other withholdings and reporting do not have to be dealt with mid-quarter (transfers of the withholdings or partial quarter reporting by either the incumbent and/or the awarded contractor from the RFP). The Arc Maryland agrees with that suggestion and hopes that change can be made to move the start date to either January 1, April 1, July 1, or October 1, 2020. Of note, a previous communication from DDA regarding FMS services noted that changes to the current FMS would not be made until DECEMBER 2020. Ms. Sastoque remarked during the pre-bid conference that the date was incorrect, and the revised memo was thereafter corrected and redistributed. Please see image of the communication error below and reason for confusion at pre-bid meeting about effective date of the new contract.

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9. It remains a concern that the transition period is too short. 1.) At least 1 of the incumbent FMS providers has only 30% of its FY20 plans/budgets processed for those CURRENTLY in service. Resumed to be a recognition of concern about the processing delays, and a commitment to ensure continuity of care, DDA recently provided authorization for the FMS to use FY19 service level approvals plus the COLA until FY20 plans could be reviewed by DDA and provided to the FMS. It is critically important that, should the incumbent not be awarded the new contract, a transition not occur UNTIL the incumbent FMS receives all of the FY20 plans/budgets for those currently in service AND a full reconciliation is completed to account for differences in budgets between FY19 and 20 for hundreds of participants. To provide a benchmark for possible timeline development, using last year as an example, all plans/budgets were finalized and received by the FMS in February (8 months delay from the start of the fiscal year). 2.) If an incumbent is not awarded the new contract, it should be also be noted that the transition will likely need to be extended with additional financial resources provided to the former contractor; it is well known that it is more costly to operate whenever an organization is downsizing and closing to ensure staff continuity and continued smooth operations during transition.

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